



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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January 31, 2002

Brad Boyter  
Western Clay Company  
508 East Center Street  
Aurora, Utah 84620

Re: Acceptance of Notice of Intention to Commence Small Mining Operations, Western Clay Company, Aurora Clay Mine, S/041/033, Sevier County, Utah

Dear Mr. Boyter:

Thank you for your Notice of Intention to Commence Small Mining Operations received January 24, 2002. The initial \$100.00 permit application fee for this notice will be transferred from the Exploration file (E/041/029), which notice and fee were received on December 21, 2001. That exploration notice has never been finalized, and since you submitted a small mining notice for the same area, you were going to request that we close the exploration file. When we receive your written request, we will close the exploration file and return the \$100.00 check #9267. If we do not hear from you within the next 10 days (by February 10, 2002) we will go ahead and process the check, for review of the exploration notice.

The proposed Aurora Clay Mine is located in the SE1/4 of SW1/4 and SW1/4 of SE1/4 of Section 30, and the NE1/4 of NW1/4 and NW1/4 of NE1/4 of Section 31, T21S R1W, SLBM, Sevier County, Utah. The application is considered complete and no additional information is required by the Division at this time.

The Division has consulted with the Utah State Historic Preservation Office. They have concluded that No Historic Properties will be affected by this operation.

You requested a variance to fill the drill holes with cuttings rather than cement them, as long as you do not encounter water. This request is granted. **You may commence with your mining operations as outlined in your small mining notice.**

In accordance with rule R647-3-105 regarding the project location, the areas to be disturbed should be plotted on a map in sufficient detail so that they can be located on the ground. **It is also required that the operator mark the proposed (5 acre or less) disturbed area boundary (including access/haul roads) in the field with metal T-Posts (or with some other marker of equal effectiveness). Markers must be appropriately spaced so that the next marker in either direction is clearly visible with the naked eye.**

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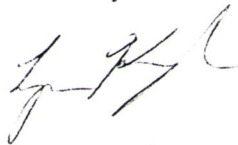
The Utah Mined Land Reclamation Act of 1975 [40-8-7(1)] provides the authority for fee implementation which was approved by the Utah Legislature at its 1998 session. Commencing July 1, 1998, the fees are assessed to new and existing notices of intention, and annually thereafter. Small Mining Notices require a \$100.00 annual fee.

For your reference, I have enclosed copies of our summarized rules regarding "Operation and Reclamation Practices," and the statutory penalty for failure to reclaim a minesite (SMO-1). Please give special consideration to item #10 of the "Operation and Reclamation Practices. Stockpiling topsoil material prior to beginning your mining operation will help ensure successful revegetation efforts upon final reclamation of the minesite. If the area being mined is a solid rock outcrop, or if the land surface is very rocky, then soil stockpiling is probably not possible. However, even the first few inches of undeveloped material is worth saving to aid in later revegetation efforts, and future regulatory release from reclamation requirements.

Should you wish to expand your operation beyond the five (5) acre limitation, please notify this office as soon as possible to discuss the necessary permitting requirements. Approval of a large mining notice could take from six to twelve months or longer.

Thank you for your cooperation. When in the area, a member of the Division staff will examine the site. Best wishes with your mining operation.

Sincerely,



Lynn Kunzler  
Senior Reclamation Specialist

jb  
Enclosure: SMO-1 summary  
S41-33-apv.doc